

Congress of the United States

Washington, DC 20515

May 7, 2002

The Honorable Joe Allbaugh
Director
Federal Emergency Management Agency
500 C Street, S.W.
Washington, D.C. 20472

Dear Director Allbaugh:

Thank you for taking the time to speak with Representative Sweeney and myself about the New York City Board of Education and its extraordinary expenses resulting from the events of the September 11, 2001, terrorist attack. I would like to take this opportunity to try to clear up any miscommunication between the Board and FEMA regarding this issue and to work toward a solution of this matter.

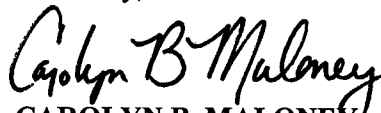
I believe the enclosed letter from Anthony Shorris, Deputy Chancellor for Management and Policy, clearly presents the Board's understanding that its proposal to provide additional class time to students who lost instructional time because of 9/11 was not eligible for FEMA assistance. As a result of this determination, school officials contacted Representative Sweeney and me for our assistance. Based on our research of this matter, we decided to introduce legislation, H.R. 4663, which seeks to ensure that the Board receives compensation for its full range of expenses resulting from the events of 9-11. While I appreciate FEMA's efforts to reimburse the Board for some of its expenses, including the cleanup of asbestos and mental health services, I believe that the Board also should be eligible for assistance in other areas as well, including lost instructional time and additional mental health services.

I know that you share my desire to help the Board as much as possible, and I believe that our legislation would enable you to assist the Board more quickly and with certainty.

Per your suggestion, I have asked the Board of Education to send a formal submission to your office requesting that it be compensated for its extraordinary expenses. Because of statements by FEMA officials that some expenses may not be reimbursable, I would appreciate it if you would be able to tell me with confidence what elements of this request that you believe you have the authority to reimburse and which, if any, you do not. I know that you will carefully consider the Board's request.

I look forward to discussing this issue with you further at your earliest convenience. Please do not hesitate to contact me or Ben Chevat with my staff at 202-225-7944 if you have any questions.

Sincerely,


CAROLYN B. MALONEY
Member of Congress

cc:

The Honorable John E. Sweeney
Anthony Shorris



BOARD OF EDUCATION OF THE CITY OF NEW YORK
Harold O. Levy, *Chancellor*

Anthony E. Shorris
Deputy Chancellor for Management & Policy

May 7, 2002

The Honorable John E. Sweeney
416 CHOB
Washington, DC 20515

The Honorable Carolyn Maloney
2430 RHOB
Washington, DC 20515

Dear Representatives Sweeney and Maloney:

In response to your inquiry, I write to recount the discussions the New York City Board of Education had with the Federal Emergency Management Agency (FEMA) concerning the \$102 million request to provide additional instructional time for students impacted by the September 11 attacks on the World Trade Center.

During the week of September 17, 2001, the New York City Office of Management and Budget (NYCOMB) requested that all city agencies to provide a summary of costs resulting from 9-11. On September 21, the Board submitted a memorandum to NYCOMB projecting a requested level of need at \$136 million—\$102 million of which was to fund the cost of providing additional instructional time for students who lost valuable class time in the aftermath of the attacks. The City then submitted our request, in addition to those submissions made by other city agencies, to FEMA.

In early October, members of my staff met with representatives of FEMA to discuss our list of requested items and their capacity to assist us. In that meeting, Board staff was told by FEMA that the \$102 million requested for lost instructional time was not eligible for federal public assistance under FEMA guidelines and recommended that we should pursue this matter with U.S. Department of Education (USDOE). We then submitted a similar request to USDOE whose representatives later told us that their department lacked the statutory authority to provide assistance for this type of activity.

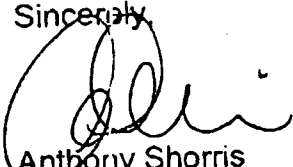
FEMA's verbal denial of our original request was subsequently reiterated to us in an article published on October 29, 2001, in the New York Daily News, titled "*Feds Doubt More School Aid*". In that article Richard Buck of FEMA stated that the agency would reimburse the Board for many of its direct costs following the disaster, such as cleanup of asbestos from schools near Ground Zero, transportation of relocated students and mental health services. "But Buck said that city schools would not be compensated for lost instruction. 'There are no provisions in our program to help in that area,' he said."

As Chancellor Levy stated in his recent letter to you, our ongoing negotiations with FEMA have been strengthened by your current efforts in Congress to ensure the availability of federal assistance to cover our extraordinary expenses. We have made recent progress in our negotiations with FEMA, particularly in the areas of reimbursement for textbook replacement and the loss of perishable food supplies.

We are hopeful that your legislation authorizing FEMA to cover our full range of expenses resulting from the events of last September will be enacted into law and thus achieve our shared goal of helping the city's school system fully recover from this tragedy.

Thank you again for your work on our behalf in Congress.

Sincerely,



Anthony Shorris
Deputy Chancellor for Management and Policy

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